Secrt. H-37.-46,906—20-12-28.

Rev (1939) Department.

M-5 SERIES.

G.O. No. 3135

Dated 24-M-1930

[Despatch Abstract]

Villageam officers - (Bellary) - Bellary taluk - Andrakal and B.Gonakal villages - headman - B. Rudrappa - Removal - Restoration - Memorial to Government - Rejected.

Ken 2445

C.F. 31—14,000—7-7-37. 21.11.38

REVENUE DEPARTMENT.

CURRENT No.

Received 19 NOV 1938 19 *Registered* 19

Subject.

Village officers- (Bellary)- Bellary taluk- Andrahal and B. Gonahal villages- Headman- Rudrappa- Removal from service- Memorial to the Government- Forwarded.

L.Dis. No. A. 5994/38-1.

Station Madras, *Dated the* 14th November 1938. 19

From

F.R. Brislee Esq., I.C.S.,
Secretary,

Board of Revenue.

F.W. Stewart Esq., M.C., C.I.E., I.C.S., Commr. of Land Revenue.

Read the following papers:-

Endorsement from the Government, Revenue Dept., No.1373 C/38-1 dated 29th August 1938

Petition from Rudrappa to the Government, Revenue Dept., dated 17th August 1938.

Submitted to the Government.

for Secretary.

To the Secretary to the Government, Revenue Dept., with a petition and enclosures in original.

J.E.G./14.11.

23 AUG 1938
GOVERNMENT OF M...
SECRETARY TO GOVERNMENT
24 AUG 1938
REVENUE DEPARTMENT
OFFICE OF REVENUE BOARD
14 OCT 1938
MADRAS

To The Hon'ble the Minister,
to the Government of Madras,
in Charge of Revenue Department
Fort St. George,
Madras.

Through
The A.D.C. Bellary, &
The Collector of Bellary, &
The Commissioner of Land Revenue
and Settlement, Board of Revenue
MADRAS.

Most Honoured Sir,

The humble mercy petition of B.Rudrappa, Missal Headman Andrahal and B.Gonahal Villages of Bellary Taluk, Bellary District most Respectfully Showeth:-

1. The petitioner has been removed from service for not residing in his charge villages by the Revenue Divisional Officer, Bellary in his Ref. C.No.1066/37-B dated the 20th October 1937, He then preferred an appeal against this order to the Collector of Bellary who, in his proceedings D.Dis. No.5378/37 dated 14-12-37 confirmed the above order of the Revenue Divisional Officer and dismissed his appeal, Upon this the humble petitioner filed a revision petition before the Board of Revenue, Madras praying that he might be restored to his office. Now the Board of Revenue has in its proceedings Rout No.954 dated 7-3-38 dismissed the above revision petition with the remarks "No second appeal lies and the Board has no revisional jurisdiction in the matter". Copies of all these orders are herewith submitted for favour of your kind perusal.

2. It will thus be seen from the above that

the humble petitioner is now left with no alternative but to crave the mercy of Government with the humble hope that justice and mercy will be showered on him by the benign and sympathetic Government.

3. The circumstances under which the petitioner was removed from service and the facts relating to it may briefly be submitted as follows;--

When the Revenue Divisional Officer first ordered the petitioner to reside in the charge Villages he wanted to reside in the village of Andrahal and began to make diligent enquiries for a suitable house in the said village. But no sufficiently big house which could accomodate the petitioner's cattle could be found in the village. So he then tried to reside in the other village ie. B.Gonahal and also searched for a house in the said village ~~at the time but one~~ Ganta with all sincereity. There were no vacant houses in this Village at the time but one Ganta Thimmappa promised to rent out a house of his after the rainy season and after the sowing of the lands was over. So for the time being to obey the orders of the Revenue Divisional Officer the petitioner rented a small house belonging to one Govindappa and began to reside in it. The said village contains only about sixty houses and the above house was the only one then available. As this house was too small to accomodate the petitioner's cattle, he had to keep them in Bellary town alone in his own house.

4. As the said Village of B.Gonahal is very near Bellary town(nearly a mile from it) the petitioner was frequently coming to Bellary to make purchases in

the town. When the Tahsildar visited the said village the petitioner had been to the Bellary town and returned to the village the same evening when he came to know of the Tahsildar's visit.

5. It may also be submitted that the two charge villages of the petitioner i.e. Andrahal and B.Gonahal are about half a mile and one mile respectively from the Bellary town Sivappanahatti a hamlet of Bellary town is about one and half mile from the town and it will thus be seen that the charge villages of the petitioner are nearer to the town than the above hamlet. Besides the total land Revenue collected for the said two villages is about Rs.2700/- and there are about 200 pattadars in all. Out of these about 45 pattadars only live in these two villages and the total land Revenue collected from them is about Rs 400/-. The remaining pattadars are all residents of Bellary town and from them a sum of about Rs.2300/- is being collected as land revenue

6. Also both the Tahsilar and the Revenue Inspector have reported to the Revenue Divisional Officer that, as these two villages are very near the town, no inconvenience is caused to any officer visiting them by the petitioner residing at Bellary. For the last about sixteen years, the petitioner had been residing at Bellary and had not caused any inconvenience to any officer. During all these years there was no cause for any complaint against him. He has been throughout most obedient, sincere and honest in his work.

7. On 26/2/1937 when the Sub Inspector of Police, Bellary Kasba visited the village of B.Gonahal, the petitioner was not in the village as he was busy collecting land Revenue in the Bellary Town. Upon this the Sub Inspector reported the petitioner's absence to the District Superintendent of

Police, who then brought it to the notice of the Revenue Divisional Officer and this has been the starting point for these proceedings against the petitioner. The Tahsildar did not make proper enquiries in the village and he seems to have reported that the petitioner had not complied with the order of the Revenue Divisional Officer, but that he was only staying in a room belonging to one Govindappa during his visits to the village. And neither the Divisional Officer, nor the Collector has enquired this Govindappa or the above-mentioned Ganta Thimmappa as to the facts submitted by the petitioner and their orders are really very unjust and harsh on the poor petitioner who has been deprived of his only means of livelihood.

8. The humble petitioner has put in about 16 years of honest and sincere work in the service of Government; he has spent more or less the major and active portion of his life in the said service and his removal now on such insufficient grounds is really a great hardship on him. Moreover, he is the Missal headman and he cannot now find other venues of employment in these hard days being past his middle age, and as such he is now in a very helpless and pitiable condition.

9. It may further be submitted that the Revenue Divisional Officer's reference in his order to the two previous punishments of the petitioner is not just. In the first case, the Karnam was primarily responsible for the offence and the petitioner was also held liable for the mistake of the Karnam, a fine of Rs.3/- was inflicted on the petitioner for slack collection of Bellary land revenue when he was in additional charge of the Bellary town for nearly a period of one year in all without any additional pay, and

and the slack collection for which he was punished was during plague season when most of the pattadars had left the town and gone away to different places.

10. The petitioner also begs to submit most humbly that his work was recognised by Government in a Criminal case in 1935, relating to the village of Bobbagunta in Bellary Taluk and he was given a reward of Rs.5/-. The petitioner as already submitted, was in additional charge of the Bellary Town and he worked very hard to collect the land revenue of both his charge villages in addition to that of the Bellary Town, especially when there was plague at Bellary.

11. In conclusion, the petitioner begs to submit most humbly that the punishment meted out to him is really very heavy and out of all proportion to the offence. In his humble opinion, such a heavy punishment was not inflicted on any Village Officer in his district, or even in the whole of the Ceded Districts, for such a mistake as his, even accepting it for a moment to be a mistake on his part. He prays most humbly that the benign Government may be pleased to show mercy to his pitiable case and restore him to the office. If restored, he assures most humbly, that he will at once go and reside in his charge villages. Finally he hopes and prays that the sympathetic Government will be pleased to consider his case most favourably and restore him to office at least in view of his long and sincere service to the Government, for the last sixteen years.

For which act of kindness and sympathy, the petitioner will be highly grateful to the benign Government throughout the rest of his life.

The petitioner begs to remain,
Most Honoured Sir,
Your most obedient & humble servan

Enclosures: Three.
17th August 1938.

B Reddappa.
17-8-38.

Address.

Reddy. B. Reddappa.
Saleswara Temple Street (Dharmapet Bellary)

Proceedings of the Revenue Divisional Officer, Bellary.

Khan[illegible]hammad Ismail Saheb Bahadur B.A.,

Ref.C.No.1066/37-B Dated, 20th October 1937.

Village Officers-Headman-Bellary Taluk- Andrahal and B. Gonahal villages-- B.Rudrappa- non-residence-- charge-- order passed.

Read:- Letter No.6/V.O./37 dated 26-2-1937 from the Dt.Superintendent of Police, Bellary.

Bellary Tahsildar's Ref.C.No.Nil dated 3-5-37, C.No.457/37-A3 14-6-37, 29-6-37, 3-8-37 and 2-10-37.

This office Ref.C.No.1066/37 dated 15-5-37, 23-6-37, 7-7-37 and 13-7-37. and explanation of B.Rudrappa dated 29-6-37

O r d e r.

The District Superintendent of Police, Bellary brought to notice on 26th February 1937 that B.Rudrappa, Missal Headman of Andrahal and B.Gonahal group villages was a non-resident of either of the two charge villages and that he resides in Mundluruvari Street in Bellary. On receipt of a punishment roll against the Reddi from the Tahsildar, Bellary, I gave him 15 days' time from the date of receipt of this office Memo 1066/37 dated 15-5-37, to shift himself to one of the two charge villages on pain of removal from service. This Memo was served on him on 20th May 37. After the expiry of the time allowed to the Reddi, the Tahsildar reported on 14-6-37 on the strength of Revenue Inspector's report N.Dis.444/37 dated 10-6-37 that the Reddi is still permanently residing at Bellary.

2.A charge of non-residence was framed against the Reddi and he was directed to show cause against removal from service for this irregularity. He was given a personal hearing on 29-6-37. In his explanation, he stated that he is living at Bellary, as he was working as acting Reddi of Brucepettah Bellary up to March 1936 and that he may be given one month's time to shift his residence to Andrahal village. Accordingly he was given time till the end of July 1937, in this office Ref. C.1066/37 dated 13-7-37 to take up permanent residence in the

village with a warning that he would be removed from service for failure to obey the orders within the time allowed. The Revenue Inspector and the Tahsildar, Bellary, who visited the village on 6-8-37 and 30-9-37 respectively, reported that he has not complied with the above order, and that during his visits to the village the Reddi stops in a room in Govindappa's house in B.Gonahal

3. When D.Sanjeeva Reddi Village Munsif of Brucepettah was kept under suspension in 1935 for slack collection of Land Revenue B.Rudrappa Village Munsif of Andranal and B.Gonahal was kept in additional charge of Brucepettah Reddi's post in this office Ref. 2725/35 dated 6-6-35. He held the additional charge from 12-6-35 to 3-3-36 when Sanjeeva Reddi having been restored to office by the Collector, joined duty on 4-3-36. B.Rudrappa was only in additional charge of Brucepettah, and had no justification to remain at Bellary permanently. Even if residence for this period is admitted as regular, he had no business to remain at Bellary after 4-3-36, when he ceased to hold additional charge of Brucepet. The plea of trying to justify his residence at Bellary 4-3-36 on account of his having been the Reddi of Brucepet is thus untenable. The remarks in paras 1 and 2 of this order show that two opportunities were afforded to him to shift his residence but to no purpose. He has obviously no mind to go and live in his charge village. His continuance in Bellary in spite of the above orders accounts to disobedience of orders. As regards his previous history, he was suspended on two occasions for giving a false statement in a matter relating to loans and for absence without leave and was once fined for slack collection of land revenue. The Tahsildar's recommendation that though the Reddi resides at Bellary, no inconvenience is caused to touring officers and that he may be warned, even after the opportunities given to him to shift himself is meaningless, especially in view of the complaint of the Dt.Superintendent of Police. The Tahsildar has lost sight of the provision in the B.S.O that the duty of the Village Officers to reside in the central group of his village should be enforced. As the Reddi has failed to go and take up bonafide residence in the charge villages even after my giving him opportunities to do so, he is removed from

from service.

Sd/-Muhammad Ismail
20-10-37

Rev: Divisional Officer.

Note:-An appeal lies to the Collector within 30 days from the date of receipt of this order.

To B.Rudrappa Missal Headman of Andrahal and B.Gonah . roup villages in duplicate through the Tahsildar,Bellary for service and return of the original with his acknowledgment.

Copy to the Tahsildar,Bellary with his D.Dis. C.2934/35 dated 30-6-36 and 1660/35 dated 3-11-35.

Copy to the District Superintendent of Police,Bellary.

Copy to B.Clerk.

Before the Collector of Bellary.

Revenue Appeal No. of 1937

Connected with the Proceedings of the Revenue Divisional Officer or Bellary in Rev. C.No.1066/37-B Dated 20th October '37.

B.Rudrappa
Missal Headman, Andrahal
and B.Gonahal villages ... . Appellant.

1. Your appellant above-named most humbly begs to appeal against the order of the Revenue Divisional Officer removing him from service for non-residence.

Your [illegible] upon mistaken notion and is not just.

2. The Andrahal village is within half a mile of the town and B.Gonahal is about one mile from the Bellary Town. Your appellant is living at a distance of about half a mile and within very easy access to the villagers and to any Officer going to the village. Every Officer going to these villages has to pass within 100 yards of the house he is living in, before he can go to the village.

3. The Land Revenue Collection for Andrahal and Gonahal villages is Rs.2700/-, but the land-owners who own the lands in these villages and who have to pay the cist therefore, are mostly living in Bellary town, and from them a sum of Rs.2300/- has to be collected. The collections from the villagers themselves is only Rs.400/-.

4. For the purpose of collection your appellant would have to spend the major portion of his time in Bellary.

5. It is not with any intent to disregard the orders of the Revenue Divisional Officer that your appellant has not yet occupied a house in the villages. In Andrahal no house is

~~18~~ 14

is available. In B.Gonahal there is only one house which is fit for habitation and which is in the occupation of one Ganta Thimmappa. This man wants a little time to vacate the house and give it to your appellant.

6. It is because your appellant was unable to secure a house immediately and within the period allowed to him, he engaged a room in one Govindappa's house and was doing his work there, spending the major portion of the day and some portion of the night also in this room.

7. This has caused no inconvenience to anybody in as much as there are no C.P. Act members or K.D's in these two villages who have to sleep in the Reddi's presence or whose attendance has to be recorded at nights.

8. The Tahsildar and Revenue Inspector have also reported to the Revenue Divisional Officer that your appellant's stay in Bellary is causing no inconvenience to themselves or to others touring officers who visit the village, and they are the person who must feel the non-residence of your appellant. When they are satisfied, the drastic step which the Revenue Divisional Officer has taken in removing your appellant from service is harsh and unjust.

9. All the above circumstances were shown to the Tahsildar and the Revenue Inspector who were perfectly satisfied that your appellant did not take up his residence in these villages on account of the want of a suitable house.

10. Your appellant has put in 16 years of honest and hard work in the service of Government and his removal is therefore unjust.

The Revenue Divisional Officer's reference to two previous punishments is not very happy as (a) in the first punishment the Karnam who was primarily responsible for the offence was dismissed, and your appellant was held so also liable ~~for seeing~~ to-thi

~~3~~ 15 +9

for seeing to this mistake.

(b) A fine of Rs.3/- was inflicted on your appellant for slack collection of Bellary Revenue when he was in additional charge. Your appellant was given only 3 months pay for each period of 9 months he worked in additional charge. Thereby your appellant worked as Bellary Headman 2 periods of 6 months each without pay. The slack collection for which your appellant was punished was during the plague season when all persons who could afford to leave Bellary had gone away.

Your appellant, therefore prays that the order removing your appellant from service may be ~~xxxx~~ set aside and he be restored to his office as Headman and his long service of 16 years recognised.

Your appellant also prays that the Revenue Divisional Officer's orders be stayed pending disposal of the appeal.

Counsel for appellant

A p p e l l a n t.

(Sd) B Rudrappa.

H 17 18

Proceedings of the Collector of Bellary.

Name:- E.C.Wood Esq.,I.C.S.,

D.Dis.No.5378/37 dated 14-12-37.

Short title- Village Officers--Bellary Taluk-- Andrahal and B. Gonahal villages-- Headman-- Rudrappa-- removed from service for non-residence, appeal dismissed.

His petition dated 23-10-37.

Bellary R.D.O.'s R.Dis.1066/37, dated 31-10-37.

O r d e r.

The Divisional Officer has removed the appellant, a village munsif, for not residing in his village. He was ordered to reside in the village on 15-5-37. He was given further time on 29-6-37 and he promises now to reside in the village. He has had plenty of time to take up his residence and it was not lack of time which has prevented him from doing this, no importance can be attached to his promise now.

2.He maintains that, as his charge village is near Bellary his residence in Bellary is not, in point of fact, an inconvenience. The Tahsildar agrees, but the Divisional Officer does not, and his absence has already caused inconvenience to the police. I agree that it is not convenient to have to look for the appellant in Bellary before making a visit to his charge village.

3. The appellant has persistently refused to reside in his village. The order is proper and the appeal is dismissed.

(By Order)

(Sd) S.Venkatachallam
18-12-37.
Eng.Head Clerk.

To the appellant,c/o Mr.K.Ramachander,Bar-at-law,Advocate.
Copy to the Revenue Divisional Officer,Bellary.
with his (1) R.Dis.1066/37,dated 31-10-37.
(2)D.Dis.2207/28,dated 30-6-1928.
(3)D.Dis.4842/33,dated 30-1-34.
(4)P.R.150/36,dated 6-3-36.
(5)D.Dis.3917/35 dated 14-10-1935.
Copy to the Tahsildar,Bellary with his
(a)Taluk D.Dis.2984/35,dated 30-6-36.
(b) do. do. 1660/35,dated 5-11-35.

19.

Before the Commissioner of Land Revenue and Settlement, Board of Revenue, Madras.

Revenue Revision Petition No. of 1938.

Revision Petition against the order of the Collector of Bellary in his Proceedings NO.D.Dis.5378/37 Dated 14-12-1937.

B.Rudrappa,
Missal Headman, Andhrahal
and B.Gonahal villages,
Bellary Taluk. } Petitioner.

The petitioner above-named most humbly begs to prefer this revision ~~appeal~~ petition against the order of the Collector of Bellary confirming the order of the Revenue Divisional Officer, Bellary removing him from service for non-residence.

2. Your petitioner submits the following among other grounds showing that the above order is based upon a mistaken notion and is not just.

3. The Andhranal village is about half a mile from the Bellary town and B.Gonahal is about one mile from it. These villages are very near to Bellary and hence they are within easy access to any officer visiting them from the Head-Quarters. It may also be submitted that Sivappanahetti a hamlet of Bellary town is about one and a half mile from the town. Thus it will be seen that the charge-villages of your petitioner are nearer to the town than the hamlet.

4. The total Land Revenue collection for the said two villages is Rs.2700/- and there are about 200 pattadars in all. Out of these about 45 pattadars only live in these two villages and the land revenue collected from them is Rs.400/-. The remaining pattadars are all residents of Bellary town and from them a sum of Rs.2300/- is being collected.

5. When the Revenue Divisional Officer first ordered your petitioner to reside in one of the two charged villages he wanted to reside in the village of Andrahal. He began to make diligent enquiries for a suitable house in the said village. But no sufficiently big house which could ~~xxxx~~ accommodate the petitioner's cattle could be found in the village. So he tried to reside in the other village i.e. B.Gonahal and also searched for a house in the said village with all sincerety. There were no vacant houses in this village at the time, but

but one Ganta Thimmappa promised to rent out a house of his, after the rainy season and after the sowing of the lands was over. So for the time being to obey the orders of the Revenue Divisional Officer, the petitioner rented a small house belonging to one Govindappa and began to reside there. The said village contains only about 60 houses, and the above house was the only one then available. As the above house was too small to accommodate your petitioner's cattle, he had to keep them in Bellary alone in his own house.

6. As the said village is very near Bellary town the petitioner was frequently coming to Bellary to make purchases in th town. When the Tahsildar visited the said village your petitioner had been to the Bellary town and returned to the village the same evening when he came to know of the Tahsildar's visit. It may also be submitted that there are no C.T.Act members ~~xxxx~~ or K.Ds. in these two villages who have to sleep in the Reddi's presence of whose attendance has to be recorded at nights.

7. Both the Tahsildar and the Revenue Inspector have reports to the Revenue Divisional Officer that as these two villages are very near to the town no inconvenience is caused to any officer visiting them due to the petitioners' residence at Bellary. For about 16 years your petitioner has not caused inconvenience to any officer and during all these years there was no occasion for any complaint against him. He has been throughout most obedient sincere, and honest in his work.

8. On 26-2-37 when the Sub-Inspector of Police, Bellary Kasba visited the village of B.Gonahal, your petitioner was not in the village as he was busy collecting land revenue in Bellary town. Upon this the Sub-Inspector reported the petitioner's absence to the District Superintendent of Police who then brought it to the notice of the Revenue Divisional Officer and this has been the starting point for these proceedings against your petitioner.

9. The Tahsildar has not made proper enquiries in the village and he seems to have reported that the ~~xxxx~~ petitioner had not complied with the order of the Divisional Officer but that he

he was only staying in a room belonging to one Govindappa during his visits to the village. Neither the Divisional Officer nor the Collector have enquired this Govindappa or the before-mentioned Ganta Thimmappa as to the facts submitted by the petitioner and their orders are really very unjust and harsh on the poor petitioner who has been deprived of his only means of livelihood. The statements of these two persons are submitted herewith.

10. Your petitioner has put in 16 years of honest and sincere work in the service of Government, he has spent more or less the major and active portion of his life in the said service and his removal now on such insufficient grounds is very hard and unjust. Moreover he is the missal headman and he cannot now find other venues of employment being past his middle age and as such he is now in a very helpless and pitiable condition.

11. The Revenue Divisional Officer's reference to two previous punishments of the petitioner in his order is neither happy nor just as (a) in the first case the Karnam was primarily responsible for the offence and your petitioner was also held liable for the mistake of the Karnam.

In the 2nd case a fine of Rs.3/- was inflicted on your petitioner for slack collection of Bellary revenues when he was in additional charge of the Bellary town. Your petitioner was given only three months pay for each period of 9 months he worked in additional charge. Your petitioner had thus worked as Bellary headman for 2 periods of six months each without pay. The slack collection for which your petitioner was puhished was during plague season when all persons who could afford to leave Bellary had gone away.

12. Your petitioner also begs to submit that his work was recognised by the Government in 1905 in a criminal case relating to the village of Bobbarakunta, Bellary taluk and he was given a reward of Rs.5/-. Your petitioner as already submitted, was twice in additional charge of Bellary town and he worked hard to collect land revenue of bot his charge villages in addition to Bellary town especially when there was plague at Bellary.

13. In conclusion your petitioner prays most humbly that the Hon

~~29~~ 22

the Hon'ble the Board of Revenue may be pleased to view his case favourably and set aside the order of the Collector of Bellary and restore the poor petitioner to his office. If restored, he will at once go and reside in [illegible]ges. Finally he prays that he may be restored to office and his long and sincere service to Government may be recognised.

For which act of kindness and sympathy, the petitioner will be highly grateful to the benign Board of Revenue throughout the rest of his life.

Bellary,

The Petitioner begs to rem

Most Honoured Sir,

Your most obedient & Humble servant

(Sd) BRangappa.

Rev Dept

Village Officers - (Bellary) Bellary Taluk - Andrahal and B. Gonahal Villages - Headman - B. Rudrappa - Removal from service - Memorial to His Exc.

CF CNo 2445-C/38 From the Board of Rev Dis No A. 5994/387 dy 14-11-38

To GS

Please see the petition at pp 3-7 CF. The petition was the headman of Andrahal and B. Gonahal villages of Bellary Taluk, Bellary Dt. The Dt Supdt of Police Bellary brought to the notice of the R.Do, Bellary on 26.2.1937 that the petitioner ~~was a~~ was not a resident of either of the two charge villages and that he resided in Bellary. On receipt of a punishment roll, against the headman from the Tahsildar of Bellary, the R.Do gave him 15 days' time to fix himself to one of the two villages on pain of removal from service. After the expiry of the time allowed the Tahsildar reported to the R.Do on 14.6.1937 on the strength of the Revenue Inspector's report that the headman was still permanently residing at Bellary.

para 1 at p 9 CF

para 2 at p 9 CF

2. A charge of non-residence was framed against the headman by the R.Do and he was directed to show cause against removal from service for this irregularity. In his explanation he stated before the R.Do that he was living at Bellary as he was acting as headman of Bruce pet at Bellary upto March 1936 and that he might be

VII

given one month's time to shift his residence to Andrahal village. Accordingly the R.D.O granted para 2 at/pp 9-10 CF
him time until the end of July 1937 to take up
permanent residence in the village with a warning
that he would be removed from service for failure
to obey the orders within the time allowed. The
Revenue Inspector and the Sub Sildar, Bellary
who visited the village on 6.8.37 and 30.9.37
respectively reported that he had not complied
with the above order and that during his visits
to the village, the headman stopped in a room
in Gurudappa's house in B. Gonahal. In
his proceedings Ref. Cro 1066/37. B dy 20-10-1937 pp 9-11 CF
The R.D.O
removed the petitioner from service as he failed
to take up bonafide residence in his charge
village even after he was given opportunities to
do so. The Subsildar recommended that Exhibit B at/p 10 CF
the headman resides at Bellary, two inconvenience
was caused to touring officers and that he might
be warned. The R.D.O did not accept the Subsildar's
recommendation in view of the complaint of the
Superintendent of Police and in view of the provisions in
B.D.O that the duty of the village officers to reside
in the central village of this group should be enforced.

Note under para 12 (ii) of B.D.O M 148 at/p 855 of B.D.O Vol III Edn 2

3. Against the order of removal the petitioner pp 13-15 CF
appealed to the Collector of Bellary. In his proceedings
Dis No. 5378/38 dy 14-12-1937 the Collector of Bellary p 17 CF
dismissed the appeal observing that the petitioner

had persistently refused to reside in his village and that the R.D.O's order of removal was proper

pp. 19-22 CF

4. Thereupon the petitioner filed a revision petition before the Board of Rev. in its B.P. Rt. 954 of 7.3.1938 the Board of Rev dismissed the petition on the ground that no second appeal lay to it and that it had no revisional jurisdiction in the matter

p. 23 CF

5. In his petition to the Govt. at pp 3-7 CF the

para 11 at p. 7 CF

petitioner says that the punishment inflicted on him is heavy and out of all proportion to the offence and requests that he may be restored to his office He further states that if he is restored, he would at once go and reside in his charge village. The main grounds urged by the petitioner are

para 5 at p. 5 CF

(i) that the two charge villages are half a mile and one mile from the Bellary town;

ibid.

(ii) that majority of the pattadars reside in Bellary and that major portion of the land revenue is collected from them;

para 6 at p. 5 CF

(iii) that the Tahsildar and the Revenue Inspector have reported to the Revenue Divisional officer that as these two villages are situated very near the town, no inconvenience is caused to any officer existing there by the petitioner residing at Bellary and

(iv) that he had been residing at Bellary for the last about 16 years and had not caused any inconvenience to any officer.

6. The office of the headman is hereditary and is governed by the Madras Hereditary Village offices Act III of 1895. Under section 7(1) of the Act the Collector may of his own motion or on complaint and after enquiry fine, suspend, dismiss or remove a village officer for non-residence in the village under the rule under para 12(ii) of BSO no 168 Village officers residing in the Sub-ordinate Villages of their groups need not be required to remove to the Central Village of the group, if their presence does not cause inconvenience to the inhabitants. Otherwise, the duty of a village officer to reside in the Central Village of his group should be enforced. In the case of the petitioner in question he was not residing either in the Central Village or in the Sub-ordinate Village of his group. He was residing in Bellary Town. The RDO and the Collector considered that his residing in Bellary Town was not in the charge village was inconvenient and the Dy Supdt. of Police also complained against the headman for his non-residence.

It is not exactly the same as the office mentioned in para 1 of the affidavit of the petitioner.

pp 519-20 of BSO Vol II Rule 5(a)

p 855 of BSO Vol III Rule 2

pp 9-11 & p 17 of

para 1 at p 9 of

7. There is no legal objection to interfere in the matter and restore the petitioner to his office. It is however for orders whether any interference is called for in view of the orders of the RDO at pp. 9-11 of and that of the Collector at p. 17 of. It does not appear necessary to call for the

B at p 80 of Govt 21 Rev 30934

5/27

original records. The file may be circulated to H.H.(Rev)

2.12.38

30/11/38

1/12/38

We may refuse to interfere

bsn
2/12

H.H.(Rev) Having regard to all the circumstances and the undertaking given by the petitioner that he would at once go and live in the village, we may let him off with suspension for one year for disobedience

bsn
11/12

19/12/38

To AS

Please see the orders of H.H.(Rev) above. H.H.(Rev) has ordered that the petitioner may be let off with a suspension for one year for disobedience. The petitioner was removed from service by the R.D.O in his proceedings dt 20-10-1937. In his appeal to the Collector the petitioner requested that pending disposal of the appeal, the orders of the R.D.O might be stayed. It is therefore presumed that he would have handed over charge of his office after the Collector dismissed the appeal ie after 14-12-38. The petitioner is therefore out of office for one year and presumably

Pk 9-10 CF

A at p 15 CF

V8 6

it is the intention of H.E. that the period during which he was out of office should be treated as one of suspension. A draft order is submitted for approval.

2. In para 4 of the note at p.4 ante, it was noted that there was no legal objection to interfere in the matter and restore the petitioner to the office. This is based upon the view taken by the legal depts that the wording of the proviso to sub-section (5) of section 10 of 1925 contemplates the restoration of "dismissed" Minister officer for any reason" and provides that in the event of such restoration the person appointed to fill the vacancy will cease to hold office. In another connection the Advocate General was consulted on the question whether it would be legal to ask the Board of Revenue to revise an order passed by it under section 23 of Act III of 1895 which was final under the Statute. A copy of the opinion of the Advocate General is put up at (F). According to this opinion where a power is conferred under a Statute the Govt of the Country cannot in view its powers of general superintendence to revise an order passed in exercise of statutory powers. It appears therefore that the Govt's interference would be open to question at law. It is therefore for orders whether the draft order put up may issue.

See 2nd para of Dr. Ambedkar's minute at p/1.

Pls see also pp 521-2, 9 Ca Dig cols Vol II - Rule 5(a)

The 2nd para of the separate opinion at (F)

See p/526-27 ibid.

29.12.38

3.1.39

29

The restriction may perhaps be subject to condition that the headman takes up residence within his jurisdiction within a 3 months from the date of on which he joins duty

19th
5.1.39

S

H.H. may see again.
The powers suggested by A.S. may be incorporated, if the drafts & the case.
As to the legal point, Govt. have intervened in several cases already, but it is proposed to introduce a validating Act to cover all cases of restriction of political sufferers. We may, in the future, perhaps adopt the policy of non-intervening except in the case of political sufferers. If H.H. agrees, this remedial may be rejected

"/.

H.H. Rev. A | This may lie over until The Bill to amend the Act is passed into law.

JP 3/7/39.

80

T. As

With reference to A on the previous page, it is noted that the proposal to introduce legislation to empower Govt to revise rates of maintenance allowances granted under the Vos' Acts has been dropped.

2 The case in this file relates to the removal of a certain Pillai, ordered by Magistrate Dist. III Nilgiris, by the RDO, for non-remittance in the village. The order of the RDO has confirmed by the Collector on appeal. Under section 23 of Magistrate Dist. III Nilgiris the Collector's order is final. The Govt cannot therefore entertain the memorial / may be pointed out to the memorialist that no appeal lies against the order.

19/11 20/11

21.11.39

S

Hon'ble H. N. Reid: Has passed orders to restore the patta but the old order in accordance with the V.O.s Acts was amended. Submit the draft for approval

24/11/39 24/11

A.I. 24/11

Cir: 22-4-39.

Fo 24/11

31

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied		Fo 24/11
When examined	10/11	25/11
When signed		
When despatched.		

SUBJECT:— Draft + Notes

Rw Dpt

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

A No. 2665 From the B. Rwy, No. Memorial, dated 17.8.1934. pp 3 7 9

" 24 " Rwy Dpt " A No. 5996/32-10 14.11.34 19____. p1 Cy

" _____ " _____ " _____ " _____ 19____.

Order / Resolution — Ms. / ~~Bord.~~ No. 3135, dated 24.11.34 19____.

p17 Cy

Dpt. by

27.4.38

Rajah B. Rajagopalan
Salaswara Temple St.
Bangalore
Bellary
(with 2 encls rtd)
- pp 73-81 Cy
The Rly Secy

No Corrections were passed on appeal — is statutory time the memorial is received

19/11

20/11/34

24.11.34

Secy